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THE  
C A S E  
*N. Dubois (Dor.)*  
OF

ANN Countess of ANGLESEY,

Lately DECEASED;

Lawful Wife of RICHARD ANNESLEY,

Late Earl of ANGLESEY,

AND

Of her three surviving DAUGHTERS,  
Lady DOROTHEA, Lady CAROLINE, and Lady  
ELIZABETH, by the said EARL.

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*Deliver me not over into the Will of mine Adversaries: for  
there are false Witnesses risen up against me, and such as  
speak wrong.* Psal. xxvii. ver. 14.

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L O N D O N :

202 Printed in the Year 1766,



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## INTRODUCTION.

**T**H E Disadvantages I labour under by being unable to make that Appearance my Birth and Pretensions intitle me to, lays me under the Necessity of publishing an impartial State of my Case, in order to undeceive the Public, who have been prejudiced against me, by the malicious Reports, base Insinuations and industrious Machinations of an Enemy, who fights me with my own Weapon, and possessed of what of Right belongs to me and Family, can cut a Figure and mingle amongst the Great, whence Oppression, Poverty, and Wrongs exclude me.

'Tis a severe Stab to that filial Duty and Affection I have ever retained in my Breast, to be obliged to expose to Light, the Errors of a Father, that I tenderly loved, and have even run the risque of my Life, to rouse from that Lethargy of Vice he sunk into, by the evil Counsel of those wicked People under whose Influence he fell after his Separation from my Mother, and who Leech-like sucked away his Sense and Cash, and undermined his Honour. That Attempt, pious and warrantable as it was, in a dutiful Child, has been basely misrepresented, and such villainous Falshoods propagated in regard thereto, that I find it incumbent on me to give a full Detail of the whole Affair, in Vindication of that Honour, that is dearer to me than Life. In a Book of Poems, which my Necessities obliged me to publish, by Subscription, some few Years ago, I gave a poetical Account of this Transaction, which now, in simple Prose, I shall submit to the Inspection of the judicious and impartial.

In November 1760, I was informed my Father, *Richard* the last Earl of *Anglesey*, lay dangerously ill; Nature wrought so powerfully in my Breast, as to determine my endeavouring to see that dear deluded Father, in hopes the Sight of a Child, he once dearly loved, might be a Means of recalling him to a Sense of his Duty, and a Desire of Reconciliation with his Family. It was certainly very great Rashness in me, to venture myself in the Hands of Enemies, with whom he was surrounded, whose inveterate Hatred I had before experienced, and particularly at a Time, when my Spirits and Strength were greatly impaired by Child-birth, having lain-in about seven Weeks before of my sixth Child. With great Difficulty I prevailed on my Mother and my Husband, to consent to my taking this hazardous Step; but this Point gained, after recommending myself to the Protection of Almighty God, I set out for the Family Seat, at *Camolin-Park* in the County of *Wexford*, attended only by an old Man, and a Foot-Boy of thirteen Years of Age, who rode before me. I lay that Night at a Town within two Miles of my Father's, and well convinced that, if known, I should have no Chance of seeing him, I ordered Matters so, as to be there early the next Morning, when concealing my Face, and knowing the Situation of my Father's Bedchamber, I made my Way to it, without the least Difficulty or Obstruction, but alas! found a Female Companion with him, from whom I could hope for little Lenity.—She started when she saw me enter, and discover who I was, by throwing myself on my Knees at my poor Father's Bed-side, and, with Tears, implore his Blessing.—No one but such as have the same Feelings I have, can conceive the tender Agony that seized my Soul, on seeing the Change Time had wrought in the Author, under God, of my Being.—But who can describe my Astonishment and Grief, at hearing him utter the most shocking



shocking Imprecations against his Child;—a Child that loved him as her Life, and would have sacrificed it to his Preservation and Conversion.—How shall I repeat it? He called for his Pistols to shoot me!—Self preservation, they say, is the first Law of Nature—therefore, seeing Mrs. *Donovan* make towards a Closet where I formerly knew Fire-Arms hung,—I started to my Feet, and charged her, at her Peril, not to harm me, as she certainly would suffer for it, if she did, as many knew of my coming, and for what Purpose, which was no other than to obtain a Father's Blessing before he died. After a few more Altercations not worthy Repetition, she rang the Bell, when a number of ill-looking Wretches, who dishonoured the Name of Servants, appeared; Mrs. *Donovan* ordered those, her Ruffians, to seize and drag me out of the Room, vainly imagining that, if I could obtain a few Moments longer Stay in his Presence, my Father's Heart would relent, as his Anger seemed to subside; on finding myself thus attacked, I drew a small silver-mounted Pistol from my Pocket, which I blush to say was, with its Fellow, unloaded; and only meant to keep those Ruffians, I expected to meet, at a Distance. A Cry, equalling that they describe the wild *Indians* to give, was set up at the Sight of this formidable Weapon. Presenting the harmless Bugbear alone at my ferocious Assailants, I bid them not lay Hands upon me, or expect the Consequences. At first they obeyed through Fear, but finding I did not fire, they pressed in upon me; three Men all at once laid hold on it, and had Strength and Valour sufficient to wrest it out of the Hand of a weak Woman; but not without leaving that Hand in a gore of Blood. While those attacked me in Front, others endeavoured to strangle me behind my Back, by pulling my Cloak, and had effected their Intention, were I not under the Banner of an all-wise all-powerful Being! who ordered the Strings to break; I was again saved by  
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the same Hand ! who intimidated the Heart of Mrs. *Donovan's* Son from letting off a Pistol, which he courageously held cocked at the back of my Head, and occasioned his meeting with a severe Rebuke from an ignorant Pantry-Boy, whom he desired to shoot me, the Boy telling him, "*you may do it yourself, I have no Mind for the Gallows.*" After this, they hurried me down the Stairs into the Hall, took my other Pistol from me, but not before I unscrewed the Barrel, and shewed them there was nothing in it. Then it was my humble Lot to be obliged to sit in the Kitchen, where I was an Eye-witness to such Things as gave room for this Reflection, *that where Vice presided, Order, Regularity, and Plenty were banished.* My Servants were threatened with a Goal, together with their unfortunate Mistress, they were pinioned like Thieves, and by the Order of the young Lord \*, as they called Mrs. *Donovan's* Son, they inhumanly cut off the Ear of the innocent Horse I rode, though the poor Brute could not possibly be deemed an Accessary in my Offence, had my Intention even been Criminal. They then obliged me to walk two Miles in the deep Road, to the Village of *Camolin*, where they would have lodged me in the Watch-house ; but a compassionate Ale-seller, who was also a Butcher, suffered us into his House, though at his Peril ; for an Express was sent before me to forbid any one, on pain of Displeasure, to give me a morsel of Bread, though I should offer ever so much for it. That Night I was forced to sit up with my own Servants, the lowest of my Father's, who were set as Spies over me, and a parcel of Constables as Guards to prevent our Flight. The next Day the Companions of my Woe, were sent for to the Park-house to be examined ; and about Four o'Clock in the Afternoon, I was also sent for. Happy at the Thought of once more seeing my dear missed Father,

\* Who now stiles himself Earl of Anglesey, &c. &c.

though

though in such shocking Circumstances, I readily obeyed the Summons: But oh! Words are too faint to describe the Sufferings I went through. They brought me, indeed, within Sight of the House, but the Heavens were the only Roof I was suffered under; exposed to the Inclemency of a cold frosty Night, expecting Death from behind every Tree, till at length Nature, unable to support me longer, I sunk under the Weight of Cruelty and Oppression heaped upon me, and fell into violent convulsive Fits. I in that Situation remained till Eleven o'Clock at Night; a Delirium seemed to have seized my Brain, and my dangerous Symptoms having frightened my Tormentors from a Continuance of their Persecutions, I was carried to a Blacksmith's House, whose Wife had the Humanity to take me in, and lay me in a Bed; to which charitable Act I owe my Life.

The next Day, they again wanted to take me to *Wexford* Goal, with my servants, but the Town of *Ferns*, sensible of my cruel usage, rose in my Defence. and rescu'd me from the hand of Persecution. This is the Truth, as I shall answer it to my God! of an Affair that has been so industriously misrepresented, and so scandalously reported to my Disadvantage, as to render those cool in my Interest, who pitied, and were inclined to relieve my Distress. To say, I attempted to commit the horrid Crime of Parricide;—threatened to shoot my Father! held a Pistol to his venerable Head! Oh! Horror, horror! no! I would as readily have spilt my own Heart's Blood, as have hurted a Hair in his Head—three Affidavits are still to the fore, relative to this Affair,—namely, my own, and those of my two Servants who are still alive, and which verify the Truth of what I have here asserted. I can never be sufficiently thankful for my miraculous Preservation, when the Hand of Providence so visibly protected and brought me through the imminent Dangers that, for two Nights and near three Days,



Days, surrounded me, notwithstanding the dangerous Consequences thereof to my Health, for my long fasting had such an effect upon me, that for some time after, I fainted at the Sight and Smell of any kind of Nourishment, vomited Blood, and got such a severe Cold, as to ulcerate my Gums, occasion the Loss of a Tooth, and throw me into a violent pleuritic Fever; and to this Day, am subject to a dreadful pain in my Left-side, which I expect, sooner or later, will be my Death. But this suffering is not thought sufficient by my implacable uncharitable Enemies; who not only keep me out of my indubitable Rights, but take every method possible, to undermine me in the Esteem of the World, to make those who have and would serve me, withdraw their salutary Assistance; in order, I suppose, to verify their own generous Boasts, viz. "*We don't value her, she can never be able to recover any Thing, as she has not wherewith to buy Bread for her and her Children.*" It is true, I am reduced to those straits,—and by whose means? Theirs, who robbed me of a Father, and withhold what I have the justest Claim to, and which would place me, far above Want or being a Burthen to my Friends. But 'till Heaven thinks fit to mollify my untoward Fate, I must submit, and do the best I can, to stem the Tide of Adversity into which I am innocently plunged; and flatter myself, my grievous Situation, immergent Wants, and that Charity so conspicuous in these Nations, will entitle me to the Notice and Protection of the humane Public, to whom I submit the following State of a Case, which I hope, will merit their Attention, and intreat their Pardon for so long ingrossing it by so melancholy a subject as the foregoing, but which I found absolutely necessary in vindication of my Character.

King-Street,  
Golden-Square.



DOROTHEA DU BOIS.



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THE  
C A S E  
OF  
ANN Countess of ANGLESEY, &c.

I N the Year 1727, the Honourable *Richard Amcley*, the youngest Son of *Richard Lord Altham*, Dean of *Exeter*, who had been an Ensign in the Army, but was struck off the Halfpay in the Year 1715, and was then destitute of any Fortune or Subsistence whatever, being at *Dublin*, and passing for a Batchellor, made his Addresses to Miss *Ann Simpson*, the only Daughter of Mr. *John Simpson* a wealthy and reputable Citizen; she at that Time being no more than fourteen or fifteen Years of Age. After many Solicitations, (her Mother and most careful Guardian having died some time before) he at length prevailed on her to be privately married to him, without the knowledge or consent of her Father, who was highly displeased with her on that Account. But *Arthur Lord Altham*, Elder Brother of the said *Richard*, having interposed his good Offices for a Reconciliation, they were again, at the requisition of her Father, and of the said Lord *Altham*, who insisted upon it, married in a public Manner, by the Reverend *Henry Daniel*, then Curate of St. Catherine's,

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*rine's*, by a Licence taken out of the Consistorial Court of the Diocese of *Dublin*, who indorsed a Certificate of the Marriage on the back of the Licence. Mr. *Simpson*, her Father, thereupon was not only reconciled to them, and took his said Daughter and her Husband into his Favour and Family, but gave the said *Richard* a considerable Portion with her, and supported them for some Years after their Marriage, suitable to their Rank, which was attended with an extraordinary Expence, on account of the said *Richard's* having, by the death of his Elder Brother, which happened soon after his Marriage, assumed the Title of Lord *Altham*; and from the Time of the said Marriage they lived publicly together as Man and Wife under the Denomination of Lord and Lady *Altham*, and as such were universally deemed, reputed, and universally received and treated by all their Acquaintances.

In the Year 1729 *Nicholas Simpson*, a Relation of her Father, filed his Bill in Chancery against the said *Richard*, then Lord *Altham*, and *Ann Lady Altham* his Wife, to be relieved against a promissory Note, perfected by the said *Nicholas* to them or one of them; to which Bill they put in a joint Answer taken upon Honour, by the Name and Stile of *Richard Lord Altham* and *Ann Baronefs of Altham* his Wife, wherein the said *Richard* acknowledged his Marriage with the said *Ann*, which Bill and Answer are of Record in that Court.

On the Death of Mr. *Simpson*, Father of the said *Ann*, which happened in the Year 1730, he by his Will charged his Estate with an Annuity of 20*l* a Year to his said Daughter during her Life, for her sole and separate Use, independant of her Husband, under the Stile and Title of the Right Honourable *Ann Baronefs of Altham*, and bequeathed a Legacy of 100*l* to the said *Richard*, under the Denomination  
of

of *Richard* Lord *Altham* his Son-in-Law; 10*l* to the said *Dorothea Annesley*, their Daughter; which two last Legacies, the said *Richard* not only received, and applied to his own Use; but soon after, in the Year 1733, having Occasion for Money, he prevailed upon his said Wife to sell the said Annuity of 20*l*. a Year, to one *William Mackenzie*, and to join with him, for that Purpose, in a Deed, and in levying a Fine to the said *Mackenzie*; which Deed and Fine were accordingly executed and acknowledged by him, and the said *Ann* his Wife, at the Bar of the Court of Common Pleas, by their then Stile and Title of *Richard* Lord Baron of *Altham*, and *Ann* Lady *Altham*, his Wife, as appears by the said Deed and Fine both remaining of Record.

In the Year 1737, *Arthur* Earl of *Anglesey* dying without Issue, the said *Richard* became possessed of his Honours and Estate, both in *England* and *Ireland*; and thereupon, he and his said Wife were introduced and received at the Lord Lieutenant's Court, as Earl and Countess of *Anglesey*, and the said Lady *Dorothea* and her Sisters, as the Daughters of an Earl, and were universally acknowledged by his Grace the Duke of *Devonshire*, then Lord Lieutenant, and his Dukes, and all the Nobility of the Kingdom, at Court as well as at all other Places, as such, and took their Rank and Precedency accordingly.

In the same Year 1737, soon after the Death of the above mentioned *Arthur* late Earl of *Anglesey*, great Contests having arisen between the said Earl *Richard* and one *Charles Annesley*, concerning their respective Rights of Succession to the said Earl *Arthur*'s Estate, they came to an Agreement to divide the same; and thereupon indented Articles of Agreement, dated the 6th of *June* 1737, were entered into, and executed between them, whereby, among other Things, it was agreed, that if either of them



should happen to die without Issue, the Survivor and his Heirs should succeed to the deceased's Share of the Inheritance, and they were reciprocally empowered by said Articles of Agreement, to charge their respective Shares with a Jointure to each of their Wives, and with a certain Sum of Money. The said Earl *Richard* particularly, was thereby empowered to charge his Share with 25,000*l.* and also with 2000*l.* a Year for his Widow, in lieu of Jointure.

Soon after these Articles were entered into, Earl *Richard* having discovered, that he had been greatly imposed upon by the said *Charles Annesley*, who had no Manner of present Right, refused to carry the same into Execution; whereupon fresh Disputes arose between them, and each of them filed their Bill in the Court of Chancery, the Earl to set the said Articles aside, and *Charles* for a specific Performance of the same.

Pending those Suits, the Earl, who had levied Fines, and suffered Recoveries of all, or the greatest Part of the said Estates, being in November 1740 seized with a dangerous Illness, and being desirous to make Provision for his said Wife, and Daughters by her; he in execution of the Powers vested in him, by said Articles, executed a Deed of Settlement, dated 14th November 1740, between himself of the one Part, *Simon Bradstreet*, Esq; afterwards Sir *Simon Bradstreet*, Baronet, and *William Colthurst* of the City of *Dublin*, Gent. of the other Part, as Trustees, reciting the several Fines and Recoveries of all the Estate whereof he stood seized; and declaring by the said Deed, that all the said Fines and Recoveries so levied and suffered between him and the said Parties, should enure to the only proper Use of the said Earl, his Heirs and Assigns for ever, but subject nevertheless to, and charged with the Payment of 2000*l.* a Year



Year for his said Wife, in case she should survive him to be paid on every 25th Day of *December*, and 24th of *June*, from his Decease, during her Life; and also, charged with 10000 *l.* to his eldest Daughter, Lady *Dorothea*, at her Age of eighteen Years, or Day of Marriage, which should first happen, with lawful Interest for the same till paid, for her Maintenance and Education; and with the further Sum of 8000 *l.* to his second Daughter Lady *Caroline*, and 7000 *l.* to Lady *Elizabeth* his youngest Daughter, also payable at their respective Ages of eighteen, or Marriage, with the like Interest for the same, till paid, for their Maintenance and Education; and in case any of his said Daughters should happen to die before the Age of twenty-one Years, or Marriage, that her or their Share or Shares should go to the Survivor or Survivors of them.

Immediately after the Execution of this Deed, the said Earl *Richard* delivered it into the Custody of Mr. *John Simpson*, his Brother-in-Law, for the Use of Lady *Anglesey*, his Wife, and his three Daughters, but would not suffer the same to be registred, but kept a profound Secret, pending the above mentioned Suits betwixt him and *Charles Annesley*: lest the said *Charles* should take Advantage thereof, as tending to corroborate the said Articles, which he was then endeavouring to set aside,

Hitherto the said Earl *Richard* had always lived in great Harmony with his said Wife, and took great Care of the Education of his three Daughters by her; but having soon after, in her Absence, contracted a Familiarity, and criminal Intercourse with one *Gillin* alias *Julian Donovan*, the Daughter of one *Richard Donovan*, who sold an unlicensed Kind of Ale, called *Shebeen*, in a Cabin, in the Village of *Camolin*, where his Lordship's Men Servants usually frequented, often at very untimely Hours, and some-

sometimes stayed out of the Family whole Nights, for the sake of the said *Gillin's* Company; he from thence forward began to treat his said Countess and her Children, with great Indifference and Neglect; and was at length, by the contrivance of the said *Julian Donovan*, and the wicked arts of one *John Ians*, a Surgeon, her Confederate, prevailed upon not only to treat them with great Cruelty, and totally to abandon her and his hapless Children to absolute Want, but to break open her Escutore and rob her of all her Writings, particularly of the above mentioned Deed of Provision for her and her said Daughters, which had been delivered into her own Custody some time before by the said *John Simpson* her Brother. But happily for her, and her unfortunate Children, the original Draft of the Deed, as settled by Sir *Simon Breadstreet*, hath been since acknowledged, and the due Execution of the said Deed proved by the Witnesses.

This *Ians*, who was a Sort of Agent for and Dependant on his Lordship, was intrusted with most of his secret Transactions, and on that Account had great Influence over him; but having some time before been detected by the said Countess in defrauding his Lordship of several considerable Sums of Money, he swore Revenge against her, and not only took this Method of satiating his Malice, but pursued it still further, by persuading his Lordship that he might easily obtain a Divorce; and the said Earl being overpersuaded by *Ians* and his Accomplices, was so weak as to attempt it; and for that Purpose he and *Ians* his Agent offered considerable Bribes to several People, to swear something Criminal against her, as a Pretence for his Separation, and thus cruelly abandoning her and his Children. But the People to whom they addressed themselves, being too conscientious to accept of such infamous Proposals, he at length, by the Contrivance of the said *John Ians*, and  
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one *Jack Hatton* an Attorney, found out an abandoned Wretch called *Mary Egan*, who was at that Time a Prisoner in *Wexford* Goal for Felony, and who upon a Promise of being bailed and brought to *England* by his Lordship, and of being made his Lordship's Housekeeper, and thereby avoid being tryed for that Offence, and by Promises of other Rewards, was prevailed upon by the said *Hatton* to swear such an Affidavit as he dictated to her. She was accordingly bailed out of Goal, and brought immediately over to *England* by his Lordship, and was for some Time kept at his House in *Duke Street St. James's*; but upon her being disappointed of the other Promises made to her, she disclosed this whole Scene of Iniquity to several Persons, particularly to Mr. *John Giffard*, one of his Lordship's Attornies; and her Declarations relative thereto, being afterwards reduced into an Affidavit, was sworn before a Master in Chancery, and transmitted to *Cæsar Colclough*, Esquire, Knight of the Shire for the County of *Wexford*, in order to be communicated, by him, to the other Gentlemen of that County, in Vindication of the unfortunate Lady's Character from the wicked Aspersions cast upon her by the said Earl and his Accompllices.

In the Year 1741, the said *Ann* Countess of *Anglesey*, being thus forlorn and totally destitute of any Subsistence, she by the Advice of Doctor *Boulter*, the then worthy and virtuous Lord Primate of *Ireland*, with whose Family she was in great Intimacy, instituted her Suit in the Consistorial Court of the Diocese of *Dublin*, against the said Earl *Richard*, for Cruelty and Adultery with the said *Julian Donovan*; and upon Confession of his Marriage with the said Countess *Ann*, in his personal Sentence, she obtained an Order against him for an interim Alimony of Four Pounds a Week until a full Answer should be pronounced in the said Suit; and further, that the said Earl should pay her

Costs



Costs to that Time, and her future Costs in the Cause.

The said Earl having been served with a Monition to obey the said Order, and having declined to perform the same, Sentence of Excommunication was pronounced against him, and having still continued in his Obstinacy, he was, after all the due Forms had been used, declared an excommunicated Person, and so remained till his Death; and Application having been made to the then Lord Chancellor for a Writ, *de excommunicato capiendo*, to take the said Earl into Custody, and the Chancellor having declined to grant it, on Account of his Privilege of Peerage, her Suit in that Respect proved ineffectual; and her sole Support, and that of her Children, from thence forward to her Death, which happened in *August 1765*—was a Pension of 200 *l.* a Year upon the *Irish Establishment*, which his late most excellent Majesty was graciously pleased to grant her, on the Representation of the Earl of *Chesterfield*, then Lord Lieutenant of that Kingdom, of the Cruelty and Hardship of her Case.

The said Earl *Richard* and his Accomplices finding themselves defeated in their — Scheme of obtaining a Divorce, thought proper to try some other Method. He therefore, in the Course of the above-mentioned Proceedings in the consistorial Court, (having first in vain applied to his late Majesty for a *noli prosequi* on account of Bigamy) set up another Marriage, prior to that of his Countess, with one *Ann Phruse* of the County of *Devon* in *England*, who died some short Time before, as appears by one of his Answers to the Libel of the said Countess of *Anglesey*, which was the first Notice she ever had of any such Marriage; but, on the contrary, if the said pretended Marriage had any real foundation, the same was all along concealed from her with the greatest



greatest Care and Secresy till that Time. And it is particularly to be observed with relation to that pretended Marriage, that some short Time after the said *Richard* became Earl of *Anglesey*, the above named *Ann Phrust*, who had never in the least claimed him as her Husband, or given the least Notice to Lady *Anglesey* of her prior Marriage, if any such was really solemnized, wrote him a Letter from *Biddeford* in *Devonshire* to *Ireland*, to claim an Alimony; and that his Lordship was so alarmed at this Letter, and so industrious to conceal it from his Countess, who by this Time had been introduced at the Lord Lieutenant's Court, and complimented by all the Nobility of the Kingdom as Countess of *Anglesey*, that he immediately wrote to one *William Henderson* his *English* Agent, a most pressing Letter, requesting him to go immediately to *Biddeford*, and silence that Woman let it cost what it would, lest her Pretensions should make a Noise, and come to Lady *Anglesey's* Ears.

*Henderson* thereupon immediately proceeded to *Biddeford*, and entered into an Agreement with the said *Ann Phrust*, in Consideration of 3500*l.* to execute an Instrument, whereby she disclaimed the said Earl as a Husband, and covenanted thereby never afterwards to molest him on that account; which Instrument was afterwards delivered to his Lordship, and, if not destroyed, must now be in the Hands and Possession of the said *Julian Donovan*. By these iniquitous Means the said *Ann* Countess of *Anglesey* was kept totally in the Dark, and under an invincible Ignorance of the said pretended Marriage, and of the Fraud and Imposition put upon her for a great while after the Execution of the said Instrument, and until after she had exhibited her above-mentioned Libel in the Year 1741, in the Consistorial Court of the Diocese of *Dublin*, upwards of fourteen Years after her Inter-marriage with the said Earl, and after she

had bore him seven Children, of which the above-mentioued three Daughters are still aliye.

It is also to be observed, that his Lordship in his Defence on the above-mentioned Suit in the Confistorial Court, having set up his said *prior* Marriage with the said *Ann Phrust*, in order to give the better Colour to that Allegation, produced a Copy of a Writing unwitnessed, which he pretended was given him by *Ann Simpson* his Countess before her Inter-marriage with him, purporting, as he alledged, her Knowledge of his having another Wife in *England*, and promising never to molest him on that account; but being required to produce the Original, which he could not comply with as no such Writing was ever executed, his Plea, in that respect, was rejected with Costs. He however some Time afterwards produced another Writing of the same Purport, which he pretended to be the Original, and of the Hand-writing of his said Countess *Ann*, signed by one Witness, who as alledged was dead some Time before, which in like Manner was also dismissed with Costs, as not being of the Hand-writing of the said *Ann Simpson* his Wife, altho' alledged so to be, and so a third Time still with Costs.

In the same Year 1741, the said Earl, after he had totally deserted his Wife, took the said *Gillin Donovan*, with whom he had secretly kept up a criminal Intercourse from the latter End of the Year 1740, into his House, in the Character of a menial Servant, in which Condition she continued for seven Years; during which Time she had several Children by him, and, among others, a Son called *Arthur*, who was born in *July* 1744, and who now pretends to be intitled to the Honours of Earl of *Anglesey*; by which Means, and the Arts of her Confederates, she some Time after gained so great an Ascendancy and Influence over him, as to have the chief Management

ment of his Affairs left to her, whereby she accumulated large Sums of Money to herself; but she never was able to prevail on him to suffer her to assume the Title of his Wife until the Year 1752, long after the Birth of the said *Arthur* and her other Children, when, thro' old Age, and a vicious Course of Life, his Intellects being greatly impaired, he became totally lost to all Sense of Honour and Shame, and married the said *Gillin Donovan*, tho' the said *Ann Simpson*, his Countess, was then, and for several Years after, alive, and the said Suit in the Consistorial Court still subsisting: To which may be added, the strong Desire he always expressed of having a male Heir, which co-operated powerfully with the Artifices of the said *Julian Donovan*, and her Confederates, not only to induce him to take this absurd Step, but also to acquiesce in their trumping up a Certificate of a Marriage, alledged to have been solemnized in 1741, which, from all Circumstances, must be a mere Forgery and Imposition.

This Marriage of *Sept. 1752*, if it can be called one, was performed at *Camolin-Park*, by one *Laurence Neal*, a profligate, suspended Clergyman, brought from a distant Country, without either Licence or Publication of Banns; the said Earl, and the said *Donovan* being conscious that no Bishop or Surrogate in the Kingdom would grant a Licence for that Purpose, nor any Clergyman of Character or Reputation in the Country where they lived, perform the Ceremony. And tho' the said *Julian Donovan*, in order to secure her Jointure, and to legitimate her said Children, now pretends, that she was married to the said Earl by the said *Laurence Neal*, in *September 1741*; yet it is notorious to the whole County of *Wexford*, and more particularly to the Neighbourhood of the several Places where his Lordship resided, to the Servants who then lived in his Family, and to all People of any Credit, who were in the most intimate



Connections with him, some of whom he consulted in all his Affairs, that no such Marriage was ever heard of in 1741, but on the contrary declare, that the said *Julian Donovan* was always deemed and reputed in the Family and the Country round it, to be no other than a kept Mistress at best, and her said Children Bastards, and that they were treated as such, and declared to be illegitimate by the said Earl himself, to several Persons of Credit, till some short Time before the Year 1752, that he conceived a Scheme of leaving a male Heir to inherit his Honours and Estate, and for that Purpose, consistent with himself, endeavoured, by preparatory Speeches, various Arts and Contrivances, to collect a Number of seemingly concurring Circumstances, in order to make his spurious Issue by *Donovan* pass for legitimate Children, contrary to his former Declarations; besides, several of the Servants, who were then in the Earl's Family, and out of the Reach of the Influence of Mrs. *Donovan*, and other People of Credit, declare, that *Laurence Neal*, the Parson, was not at *Camolin* in September 1741.

As a further corroborating Proof, that this Marriage of September 1741, is a mere Fiction, lately set up by Mrs. *Donovan*, on purpose to legitimate her Children, and secure to herself a Jointure, it is to be observed, that she at different Times, since their Birth, lent several Sums of Money to divers Persons, and took Securities for the same, in her own Name of *Julian Donovan*, and more particularly, that she lent to *Francis Annesley*, of *Ballysax*, in the County of *Kildare* Esq; a considerable Sum of Money, and took a Bond and Warrant of Attorney to confess Judgment for the same, in her own proper Name of *Julian Donovan*, which Judgment was accordingly entered in his Majesty's Court of Exchequer in *Ireland*, against the said *Francis Annesley*; and the said Debt, with the Interest and Cost, being afterwards,  
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in the Year 1751 ~~by~~ paid by the said *Francis Amesley*, she not only signed a Receipt, but executed a Warrant of Attorney, to acknowledge Satisfaction on the Record of the said Judgment, in her own proper Name of *Julian Donovan*; and Satisfaction was accordingly entered thereon in Trinity Term 1751, which also remains of Record in that Court.

The said *Julian Donovan*, towards the Decline of the said Earl's Life, by her Arts gained an entire Ascendancy over him, insomuch, that all the later Transactions of his Life were governed by her and her Confederates, who now alledge, that the said Earl, notwithstanding the Sentence of Excommunication in Force against him, did on the 7th of *April* 1759, execute his last Will and Testament, \* by which, (amongst other Things), he bequeathed to her the said *Donovan*, by the Title of his dear and well beloved Wife, *Juliana Countess of Anglesey*, a Rent Charge of 1000*l.* yearly, payable out of his Estate in *Great Britain* and *Ireland*, and all the personal Estate he should die possessed of, which was to be in full of all Thirds. And to his lawful Wife by the Name of *Ann Simpson*, with whom he received a very considerable Fortune, he bequeaths a Legacy of 10*l.* only, expressed to be in full Satisfaction of all Claims which she could pretend to, and to his eldest Daughter, Lady *Dorothea*, by the Title of his natural Daughter *Dorothea*, 5*s.* in full of all Claims, &c. which last mentioned Legacies, seem to have been artfully inserted in the said pretended Will, by the Means and Contrivance of the said *Julian Donovan* and her Accomplices; to insult the said *Ann*, Countess of *Anglesey* and her Children; and, in order to be afterwards pleaded in Bar to their just Claims under

\* As he was under Sentence of Excommunication, he was incapacitated by Law to make a Will, or bequeath a personal Estate.

under the said Deed of the ~~14th~~ of November 1740, which they are now suing for in the Court of Chancery of Ireland, and where Execution of the said Deed has been proved and acknowledged.

The 14th of February 1761, the said Earl died under the above-mentioned Sentence of Excommunication; and the said *Julian Donovan* soon after his Death, possessed herself of all his personal Estate, under Colour of the said pretended Will, amounting to upwards of 20,000 *l.* and immediately thereupon *Ann*, Countess of *Anglesey* his Wife, entered Caveats in the Prerogative Courts of *England* and *Ireland*, to oppose the Probate of the said pretended Will, and Administration to be granted thereon to the said *Julian Donovan*: In consequence whereof a Suit was commenced in both the said Courts by the said *Julian Donovan*, and by the said *Ann*, Countess of *Anglesey*, concerning the Validity of their respective marriages; both which Causes are still depending in the said Prerogative Courts. But, alas! the Contest hitherto hath been very unequal, not in Point of Justice on the Part of the said Countess *Ann*, but in Point of Ability to proceed; one of the Parties, namely, the said *Julian*, wallowing in Riches, acquired in the above-mentioned infamous Manner, which enabled her to retain a most extraordinary Number of the greatest Counsel at the Bar, and the other oppressed with Poverty and Distress, unable to retain any, or even to undergo the necessary Expences of vindicating her just Rights, or defending herself against the Attacks of such an opulent Adversary. Nor are her unfortunate Children, who now have the same Causes to support, in Defence of their own Legitimacy, in a better, but a far more deplorable Situation since her Death; and to crown their Misfortunes, the Suit between their deceased Mother and the said *Julian Donovan*, concerning their respective Marriages; has unhappily fallen under the Cognizance,  
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of a person, who is at the same Time of standing Counsel for their Opponents in all Causes, and Judge of the said Prerogative Court in *Ireland* where that Suit is depending; and who in the Course of the Proceedings has all along discovered such manifest Partiality in favour of *Mrs. Donovan*, his Client as at length became so glaring, as to oblige their Mother to appeal to *England*, to his Majesty in his Court of Chancery for a Commission of Delegates; which Appeal is still depending. Nor was his Partiality, in his Capacity of Attorney-General, less conspicuous in favour of his other Client *Arthur Annesley*, the said *Mrs. Donovan's* Son, in the Dispute between him and *John Annesley* Esquire, concerning the *Irish* Honours of Viscount *Valentia* and Baron *Mountnorris*, to whom their respective Petitions were referred.

The said *John Annesley* claimed these Honours as descended to him by Right of Inheritance, on the Death of *Richard* late Earl of *Anglesey*, without any legitimate Issue Male; and he, in Support of his Petition for that Purpose, produced a great Variety of Evidence, to prove, from the general Voice of the Country, where the said Earl resided,—from the Testimony of Servants who lived in his Family—from his Lordship's own Declarations to several People of Credit, his Relations and intimate Friends—from the Circumstance of his being married long before to the said *Ann Simpson*, his Countess, who was then alive, and from other Evidence, some of which are Matters of Record, that the pretended Marriage of the said Earl with the said *Julian Donovan*, in *September* 1741, upon which the Legitimacy of her said Son *Arthur*, the other Claimant, is solely founded, (in case the Marriage of the said Countess *Ann* should not be established) was a mere Fiction, and consequently, that all the said *Donovan's* Children were spurious, as they were all born before her Marriage in the Year 1752.

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The said Attorney General, notwithstanding the variety of the above mentioned Evidence, and the great Importance of the Contest betwixt the Parties in this Case, as tending in its Consequences to divest one of them of a Right of Inheritance to a Peerage, and the three unfortunate Daughters of the said Earl by his said Countess *Ann Simpson* of their Legitimacy; and notwithstanding the still remaining doubtfulness of the Case, wherein the Honour of the *Irish* Peerage was deeply concerned, has nevertheless taken upon him to conclude his Report and Opinion thereupon absolutely, in favour of one of the contending Parties his Client, without taking any special Notice, as he ought to have done, of the Contest then and now still subsisting in his own Court, concerning the Matrimonial Rights of the said *Ann* Countess of *Anglesey* and the said *Julian Donovan*; which is of such a Nature, that without a previous and final determination thereof, the Right to that Peerage could not be legally determined.

And it is also to be observed that this Report, which concludes so absolutely in favour of one of the Parties, is contrary to the Policy of our Laws, and to the general Practice in like Cases, founded upon the most vague, uncertain, and most dangerous Kind of written Evidence, *namely*, upon Affidavits of mean obscure Persons, taken in different corners of the Country, by one or other of the Party's interested, or their Agents, without the Presence of any Person in behalf of the adverse Party to controul them; such sort of Evidence in its own Nature is every way insufficient and inconclusive, and is never relied upon even in the Determination of the meanest and most insignificant Cause, and far less in a Case of this high Nature, on the Determination whereof, the most essential Rights of so many Persons depended. And it is also to be observed, that several of the Affidavits upon which Mr. Attorney in his Report lays the

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the greatest Strefs, are suspicious and liable to strong Exceptions; namely the Affidavit of the said *Julian Donovan*, who is a Party every way deeply interested; that of *John Ians* the Surgeon, whose malevolence to the Countess *Ann* was publicly known, and whose Character and Veracity was otherwise liable to many objections. And the same may be said of the other Witnesses, who have given any material Evidence in support of the Marriage of *Julian Donovan* in September 1741.

It is in like manner to be observed, that the Evidence given by *Ruth Coxon* in favour of *Mr. John Annesley*, was so very material to disprove the pretended Marriage of the said *Julian Donovan* in September 1741, that they had no other way of avoiding the force of it, but by procuring a set of low lived illiterate Papists, most of whom are Persons of bad Character themselves, to make Affidavits tending to impeach hers; although what these People have sworn against her, is clearly repugnant to the offices she had been employed in about the said Earl's Family, and to the Trust reposed in her by him as well as by his Countess *Ann Simpson*, in committing the Education of their Children to her Care in their early Infancy; and afterwards by the said Earl's sending for her to *Bray* in the Year 1741, after he had abandoned his Countess and taken the said *Julian Donovan* into keeping as a Concubine, to be in his Family, to instruct the said *Julian* how to dress and behave herself. Moreover, her Character would have been supported by several Persons of Worth and Veracity, particularly by the Evidence of the Clergyman of the Parish of *Bray* where she resided, who not only voluntarily granted her a Certificate of her Sobriety and good Behaviour, in contradiction to the Affidavits sworn against her by those wretches, but would have given Evidence of the same, had not the said *John Annesley* by an inexcusable Neglect of his own Interest omitted it, as well

as many other material Things, which would have strengthened his Case, and invalidated that of his Adversary.

This neglect of his proceeded partly from his too great Confidence, that the Evidence, which he had laid before the Attorney General, was sufficient, to render the Question concerning the Illegitimacy of his Adversary, and the nullity of the pretended Marriage of his Mother in the Year 1741, certain, or at least doubtful; and it was more than sufficient to authorize the Attorney General to report it as such; and to advise, as is always done in all contested Cases of that Nature and Importance, its being referred to the House of Lords of *Ireland*, or some other Tribunal vested with competent Jurisdiction, to enquire thoroughly into the Matter, where both Parties would have an Opportunity of supporting their Case by the fullest Evidence; and he was the more confirmed in this his Opinion, as it was well known an Attorney General has no competent Jurisdiction to enable him to report finally on such a Case. For that Officer of the Crown is vested with no judicial Power, and could not, by any compulsive Process, compel Witnesses to appear before him, to be examined and cross-examined, *viva voce*, upon Oath; nor could he even tender them an Oath, his Office being only ministerial and not judicial. Therefore this unhappy Man, *John Annesley*, relying on this established and invariable Doctrine, and never suspecting that the Attorney General would take upon himself to report finally in Favour of either Party, in a Case of such Importance, and at the same Time so doubtful in itself, on Account of the great contrariety of Evidence laid before him, and not in the least doubting but that his Report would have been such, as to lay a Foundation for a Reference from his Majesty to the House of Lords, where he would have a fair Opportunity of supporting his Case, and of establishing the Character of his own, as well as of making just Objections to the

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Characters of his Adversary's Witnesses. He therefore omitted to take the proper Steps, to enforce its being referred to that honourable House, in which the Honour of the Peerage was deeply interested, to make thorough Enquiry into the Matter in Question.

But be that as it may, it is very amazing that Gentleman, in summing up the Evidence on each Side of the Question, should so far forget himself as slightly to pass over the first and most material Consideration to be taken Notice of in it, and upon which in a Manner the Determination of that Peerage wholly depended; *namely*, the prior Marriage of the said Countess *Ann Simpson* with the said Earl *Richard*, by barely making a cursory mention of it, and without any Evidence or Foundation, expressing a Doubt whether they were at all married; and this notwithstanding that the said Countess had long before proved her Marriage in his own Court, as Judge of the Prerogative, and that so many public Instances and Proofs of their Marriage were known to him;—such as the Earl's own Acknowledgments of his Marriage with her, their cohabiting publicly as Man and Wife for a Course of fourteen Years; joining with her as his Wife in Answers in Chancery, and in levying Fines, which are Matters of Record; his settling a Jointure on her as his Wife, her being publicly acknowledged as Countess of *Anglesey*, and her Daughters as his legitimate Children, as well by the Duke of *Devonshire*, the then Lord Lieutenant, and his Dukes, as by all the Nobility of both Sexes in the Kingdom, all which must have been known to that Gentleman as matters of public notoriety.

It is also very extraordinary, that he should by his said Report, put the Credit of the Record relative to Mrs. *Donovan's* taking Securities from *Francis Annesley*, and executing a Power of Attorney to acknowledge Satisfaction to that Gentleman in her own Name, in Competition with the Affidavits of the said *Julian Donovan*.



*Donovan*, and of *Ians* the Popish Surgeon; whose Character he was not unacquainted with, and giving those Affidavits the Preference to these Records But it is still the more extraordinary in a Person of his Knowledge of Law, as it is a received Maxim, that no Person can be admitted to aver against a Record of their own Act and Deed, and much less a Person who had it in her own Power to refuse executing those Deeds; for if she was really married in *September 1741*, as pretended, she in that Case had nothing to fear from her Refusal to execute them. But how are her pretended Scruples in this Point and the affected Difficulties she pretended to make to execute a Receipt in her own Name to the said *Francis Annesley*, consistent with many Letters voluntarily wrote by her in her proper Name of *Julian Donovan*, for several Years after *September 1741*.

Upon the whole, this Report is liable to so many Objections, on account of its laying the greatest Stress upon every minute Circumstance that could in the least favour his Client *Arthur*, and either slightly passing over or not mentioning many Circumstances that were favourable to the said *John Annesley*, that it would be taking up too much of the Reader's Time to enumerate them. The Public in general in *Ireland*, as this Affair was circumstanced, are amazed, and at a loss to find by what Means the said *Arthur* could procure a Writ for his Admittance into the House of Lords, upon the bare Report of the Attorney General only. For it was the Opinion of some eminent Lawyers of both Kingdoms, at the Time this Affair was depending before the Attorney General, that he could make no final Report to preclude either of the Parties. And it is the general Opinion since the Report hath been made, that instead of concluding it so absolutely as he has done in Favour of one of the contending Parties, he ought, as is always done in the like Cases, where a contrariety of Evidence appears, to have concluded his Report, that the Matter referred to him by the said

Petitions



Petitions was of so high and important a Nature, the Contrariety of Evidence laid before him so great, and the Matter in Question so complicated with the Contest, concerning the respective Marriages of the Countess *Ann Simpson* and *Julian Donovan* with the said Earl *Richard*, and his Powers as Attorney General so circumscribed, that he could not take upon him to make a final Report. That he therefore apprehended, that a Matter of such Importance as a Right of Inheritance to a Peerage, claimed by each of the contending Parties, could not be legally determined in a summary Way upon such inconclusive Evidence as he had before him; nor otherwise than by a full and open Trial, either in the House of Peers of *Ireland*, or some other Tribunal vested with competent Jurisdiction, to try and determine the Matter in a judicial Way: That by such a Trial all Parties would have an Opportunity of a candid Hearing, of examining and cross-examining Witnesses, *viva Voce*, upon Oath, and of the Assistance of many able and impartial Judges; and then to have concluded with his Opinion, that his Majesty might be advised to refer the Matter of the Petitions to the House of Lords,

If such a Reference had been recommended to his Majesty, there can be no Doubt but he would have been graciously pleased to have ordered it, more particularly as no Man can, by the Laws or Constitution of these Kingdoms, be ousted of his Right, and more especially of a Right of Inheritance to a Peerage such as this was, without a legal Trial. And such a Trial in this Case was the more necessary, as many Gentlemen of Honour and Probity, who thought it improper for them, on Account of their living in the Neighbourhood of the said *Arthur* and his Mother Mrs. *Donovan*, voluntarily to appear in Favour of the said *John Annesley*, but would nevertheless, if legally called upon, either by Summons or Subpœna, have given very material Evidence for him. By all which it plainly appears, that the said *John Annesley* has been deprived of the

Testimony

Testimony of many valuable Witnesses in support of his Claim, by this unprecedented Method of proceeding. Besides, Mr. Attorney General ought, in his said Report, to have taken very particular Notice of the Contest still subsisting in his own Court, as Judge of the Prerogative between the said Countess *Ann Simpson* and *Julian Donovan*, concerning the Validity of their respective Marriages, which was so intimately connected with the Contest about these Honours, that there can be no final Determination of the one without that of the other. For whether Mrs. *Donovan's* Marriage of *September 1741*, was real or not, her Son cannot be intitled to these Honours, if the Marriage of the Countess *Ann Simpson* should be established, which many able Council are of Opinion it must; as her Case is, in every Respect, exactly similar to that of Mrs. *Campbell* in the Suit with Mrs. *Kennedy*, which was determined a few Years ago, upon an Appeal in the House of Lords of *Great Britain* in Favour of Mrs. *Campbell*, and with great Justice. For if a Woman, under a prior Contract of Marriage, knows that her Husband has imposed upon and married another, as in the present Case, and if she does not claim him as her Husband, or acquaint the abused Person of it, but, on the contrary, contributes to the Fraud by a voluntary and concerted Concealment, and thereby not only suffers the other by such Concealment to be stripped of her Fortune and Character, but her innocent Offspring to be branded with the Imputation of Illegitimacy, what Woman in such a Case can possibly be safe? But at any rate, Mrs. *Donovan* was highly to blame, for she acted a base and unjust Part with her Eyes open. She knew that the Countess *Ann Simpson* was married to the said Earl *Richard* many Years; that he received a large Fortune in Marriage with her; that he had many Children by her; and that she was publicly acknowledged by him and the whole Kingdom as his Countess; she also knew that a Suit was depending in the Consistorial Court of the Diocese of *Dublin*, for Cruelty, and Adultery with herself, as well as to establish

blish the said Countess *Ann's* Marriage with the said Earl, notwithstanding which, she in the Year 1752 married him : whereas she ought at least to have waited the Event of that Suit, and to know whether she could legally do it or not. From all which it is evident, that the unhappy Countess *Ann Simpson*, and since her Death her unfortunate Children, who now have the Burthen of supporting their own Legitimacy, are manifestly injured by this very extraordinary Report ; as Mr. Attorney has thereby taken upon him to pre-judge their Cause, by taking the Validity of the pretended Marriage of the said *Julian Donovan* therein for granted, which was the very Thing in Question in the said Prerogative Court, of which he himself is Judge, and that, pending an Appeal from him to a Court of Delegates in *England*, and before the Merits of the Case was heard in either Court. The fatal Consequence whereof is, that they are already precluded in the Kingdom of *Ireland* from maintaining their Legitimacy, and making a proper Defence, or even calling in Question the Marriage of the said *Julian Donovan* with their Father in that Kingdom ; as such a Proceeding might be construed into a breach of Privilege, after the Admission of the said *Julian's* Son into the *Irish* House of Peers.


Many other Observations equally material might be made on this very extraordinary Report, which are reserved for a future Opportunity, in case that Gentleman should venture to support his Report or Conduct in the management of it. One Thing, however, cannot but be taken Notice of, to shew how far Prejudice and Prepossession may get the better of the best Understandings, and of that Impartiality to be expected in a Judge ; and that is, that from the Beginning of this Contest, and during the whole Course of the Proceedings before that Gentleman, he constantly complimented his Client *Arthur*, the Son of Mrs. *Donovan*, with the Appellation of Earl of *Anglesey* ; and his Antagonist, though the first who petitioned, with that of Mr. *Annesley* only.

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In August 1765, the said *Ann Countess of Anglesey*, after struggling in the above-mentioned Suits against many Acts of Cruelty, Injustice, and Oppression on the Part of the said Earl her Husband, and of the said *Donovan* and her Accomplices, died of a broken Heart, leaving her three Daughters by the said Earl without any Provision or Support, other than their Right to the Arrears of her Jointure, and the Portions allotted for them by the said Earl their Father, by the said Deed of the 14th of November 1740, which is most unjustly withheld from them by the said *Donovan* and her said Son, and which they are now contending for in the Court of Chancery in *Ireland* as before mentioned. The Case of Lady *Dorothea* the eldest in particular, whose sole Dependence, and that of her six small Children, was on the Support she received from her Mother out of her Pension, is most deplorable, as they are by her Death left destitute of every Kind of Subsistence, and of the Means of prosecuting her just Right, or even of defending her Legitimacy, by establishing the Marriage of her Mother, which is now depending in the Prerogative Courts of both Kingdoms, unless the kind Hand of Providence should move the Hearts of some compassionate Persons to enable her to vindicate and support the same.

P. S. My great Inability to obtain the necessary Assistance, in the compiling those Truths I have conveyed in the foregoing Case, which demanded a better Head and clearer Understanding than mine, to put it in an advantageous Dress, will, I flatter myself, meet with that Indulgence and Allowances, my Sex and Distresses may intitle me to, from the compassionate, generous and humane.

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